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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/700,806 | 11/03/2003 | Howard G. Wong | 100204097-1 | 6269 |

22879 7590 08/10/2006

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

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| EXAMINER |
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MORRISON, THOMAS A

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| ART UNIT | PAPER NUMBER |
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3653

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/700,806 | Applicant(s) WONG ET AL. | |
| | Examiner Thomas A. Morrison | Art Unit 3653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 7-10 is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: (a) "Fig. 8" in line 12 on page 7 of the specification should be -- Fig. 7 --; (b) "X axis" in line 23 on page 7 of the specification should be -- Y axis --; (c) "X axis" in line 27 on page 7 of the specification should be -- Y axis --; and (d) "X axis" in lines 1-2 on page 8 of the specification should be -- Y axis --;

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the front of the device" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11-15, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 20050094227.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 11, Figs. 1-4F show a hardcopy device (100), comprising:

an input tray (including 120) connected to the hardcopy device (100) and pivotally movable about a first pivot axis (see e.g., numbered paragraph [0018]) between a processing position (Fig. 4A) wherein a top surface of the input tray (including 120) is horizontal and a storage position (Fig. 4E);

an output tray (including 130) connected to the hardcopy device (100) above the input tray (including 120) and pivotally movable about a second pivot axis (near 250) between a processing position (Fig. 4A) so as to receive media discharged from the front of the device and a storage position (Fig. 4E); and

wherein the first pivot axis is offset relative to the second pivot axis (near 250) and wherein a terminal end of the input tray (including 120) extends on a first side of a vertical plane containing the first axis in the processing position (Fig. 4A) and on a second side of the vertical plane in the storage position (Fig. 4E) so that when the input tray (including 120) and the output tray (including 130) are in their storage positions (e.g., Fig. 4E) the trays are held in their storage positions.

Regarding claim 12, Figs. 1-4F show that the input tray (including 120) defines an input tray plane and the output tray (including 130) defines an output tray plane, and wherein the input tray (including 120) and the output tray (including 130) are configured such that the input tray plane and the output tray plane are parallel when the trays are in their processing positions (see Fig. 4A).

Regarding claim 13, Figs. 1-4F show that the input tray (including 120) and the output tray (including 130) are configured such that the input tray plane and the output tray plane are parallel when the trays are in the storage positions (Fig. 4E).

Regarding claim 14, Figs. 1-4F show that the output tray (including 130) includes an edge forward of the second pivot axis (near 250) that is spaced apart from the input tray (including 120) by a distance when the output tray (including 130) is in its media

processing position (Fig. 4A) and is spaced apart from the input tray (including 120) by the distance when the output tray (including 130) is in its storage position (Fig. 4E).

Regarding claim 15, Figs. 1-4F show that the hardcopy device (100) is configured for transporting media through the hard copy device (100) along a media axis and wherein the media axis is transverse to the first and second pivot axes, and wherein the first pivot axis is offset relative to the second pivot axis (near 250) along the media axis.

4. Claims 11 and 15, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. D483,060S.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 11, Figs. 1-4 show a hardcopy device, comprising:

an input tray (shorter height tray in Fig. 4) connected to the hardcopy device and pivotally movable about a first pivot axis between a processing position (open position) wherein a top surface of the input tray is horizontal and a storage position (Fig. 4);

an output tray (taller height tray in Fig. 4) connected to the hardcopy device above the input tray (shorter height tray in Fig. 4) and pivotally movable about a second

pivot axis between a processing position (open position) so as to receive media discharged from the front of the device and a storage position (Fig. 4); and

wherein the first pivot axis is offset relative to the second pivot axis and wherein a terminal end of the input tray (shorter height tray in Fig. 4) extends on a first side of a vertical plane containing the first axis in the processing position (open position) and on a second side of the vertical plane in the storage position (Fig. 4) so that when the input tray (shorter height tray in Fig. 4) and the output tray (taller height tray in Fig. 4) are in their storage positions (Fig. 4) the trays are held in their storage positions.

Regarding claim 15, Figs. 1-4 show a hardcopy device (e.g., a printer in the "DESCRIPTION" section) configured for transporting media through the hard copy device along a media axis and wherein the media axis is transverse to the first and second pivot axes, and wherein the first pivot axis is offset relative to the second pivot axis along the media axis (see e.g., Fig. 4).

Response to Arguments

5. Applicant's arguments with respect to claim 11 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 1-5 and 7-10 are allowed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See

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MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

08/01/2006



**PATRICK MACKEY
PRIMARY EXAMINER**